

REMARKS

Applicant acknowledges the courtesies extended by the Examiner during the telephone interview on May 7, 2004. Possible amendments to claims 1 and 16 were discussed, although no agreement of allowability was reached. Regarding claim 1, possible amendments were discussed to make the language clear that "the ends of the cell" as recited in claim 1 are located where the opposite ends of the V struts are joined and are not located at the top or bottom of the cell. Applicant believes that the current amendment to claim 1 makes it clear that the "ends of the cell" are located where the opposite ends of the V struts are joined. Also, the disclosure of Hansen at col. 7, lines 13-16 was discussed and it was agreed that this section allows for an additional connecting section to be placed in middle of the cells connecting the peak of cell side 3 to the peak of the cell side 5.

Claims 1-10, 12-20, 22-31 and 33-40 are pending in the present application, and claims 5, 7, 15, 18, 27, 33 and 36 have been withdrawn from consideration. Claims 1-4, 6, 8-10, 12-14, 16, 17, 19, 20, 22-26, 28-31, 34, 35 and 37-40 are rejected by the current Office action. Claims 1, 10 and 17 have been amended, and claim 16 has been canceled.

Claims 10, 12-14, 16, 17, 19, 38 and 39 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner states that the limitation in lines 7-8 of claim 10 is confusing and inaccurate. Therefore, applicant

has deleted lines 7-8 of claim 10 and has amended the claim by adding the limitation found in original claim 11. This rejection is now moot.

Claims 1-4, 6, 9, 10, 12-14, 16, 19, 20, 22-26, 28-31, 34, 35, and 37-40 have been rejected under 35 U.S.C. §102 (b) as anticipated by or, in the alternative under 35 U.S.C. §103 (a) as obvious over Hansen et al. (U.S. Patent No. 5,928,280).

With regard to claim 1, the Examiner states that the two joined V struts of Hansen form ends of the cell with one end at the top and one end at the bottom of the cell. Claim 1 has been amended to make clear that the "ends of the cell" are "located where the opposite ends of the V struts are joined." Therefore, claim 1 is allowable over Hansen because Hansen only shows the connecting element 7 joining the rings from the top end of the cell to the bottom end of the cell.

The Examiner further states Hansen discloses at col. 7, lines 13-16, that the connecting elements joining adjacent rings can also be located at the small angle vertices. Applicant respectfully disagrees with the Examiner. This portion of Hansen states that a connecting section can be inserted between the two mutually converging cell sides 3 and 5, meaning that an additional connecting element can be inserted within a single cell. Hansen only teaches that the additional connecting element is placed within a cell, and therefore can not be connected at the ends of the cells as defined by claim 1. Also, if an additional connecting element were to be placed within every cell shown in FIG. 1, there would be no cell "defined by at least two V struts of different amplitudes aligned in phase

and joined at opposite ends." With this configuration the original V shaped cell would be divided into two cells, neither of which would be defined by two V struts. For these reasons, claim 1 and those claims depending from claim 1 are allowable over Hansen.

Further, claim 1 is not obvious in view of Hansen because there is no motivation or suggestion within the reference itself to have a connecting element joining the rings by connecting the ends of the cell as defined by claim 1.

Claim 10 has been amended to recite "a connecting element joining the plurality of rings, wherein the connecting element coincides with at least one of the small angle vertices." As just discussed, Hansen does not disclose a connecting element joining a plurality of rings together wherein the connecting element coincides with at least one of the small angle vertices. For this reason, claim 10 and those claims depending from claim 10 are allowable over and non-obvious in view of Hansen.

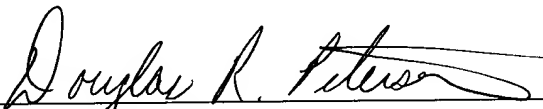
The remaining independent claims 20, 28 and 31 all provide that the connecting member joining adjacent rings connects at the ends of the cell (located at the opposite ends of the V struts) or one of the small angle vertices formed by the joined ends of the cell or small angle vertex of the adjacent ring. As previously discussed, Hansen only teaches joining the rings from one peak to the adjacent peak, and therefore independent claims 20, 28, 31 and those claims depending there from are allowable over Hansen.

The Examiner rejected claims 8 and 17 under 35 U.S.C. §103 over Hansen in view of Cox (U.S. Patent No. 6,171,334). Applicant respectfully disagrees with the Examiner's rejection since the Examiner identified no express suggestion or motivation in the cited art that would lead one skilled in the art to combine the two references. A person of ordinary skill in the art would not look to combine Hansen with Cox because Hansen discloses a stent that is formed with frame cells while Cox discloses a stent having a ring and link structure. Further, Cox discloses a nested stent design in which some of the struts touch before expansion and upon expansion these struts separate to provide space therebetween. Thus, a person of ordinary skill in the art thinking about stents having open cells with ends will have no motivation to combine Hansen with Cox. Even assuming *arguendo* that these references are combinable, all the limitations of the claims are still not found because like Hansen, Cox also does not disclose a connecting element joining adjacent rings by connecting the ends of the cell as defined by the claims or connecting the small angle vertices formed by the joined ends of the cell. For all of these reasons, claims 8 and 17 are allowable.

In light of the above amendments and remarks, applicant respectfully submits that all claims are now in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested and allowance at an early date is solicited.

Respectfully submitted,

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